



UNITED STATES PATENT AND TRADEMARK OFFICE

m-f

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,677	12/22/2000	V. Michael Bove JR.	WMI-004CN5	4961

23363 7590 08/28/2006

CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA, CA 91109-7068

EXAMINER

KOENIG, ANDREW Y

ART UNIT	PAPER NUMBER
----------	--------------

2623

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/747,677

Applicant(s)

BOVE ET AL.

Examiner

Andrew Y. Koenig

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2006 and 15 June 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 90-123 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 90-117 and 119-123 is/are rejected.
- 7) ☒ Claim(s) 118 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/3/06 & 7/24/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see arguments, filed 03 May 2006, with respect to the rejection(s) of claim(s) 90 and 106 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of U.S. Patent 6,738,982 to Jerding.

The applicant argues that nothing in Srinivasan teaches or suggests the encoding of an "indicia" separate from a "mask" which is "indicative that the video object is linked to one of the plurality of multiplexed program streams (see remarks of 5/3/06, pg. 9, para. 4). The examiner disagrees; the language of the claim does not necessitate that these operations are performed separately. The mere fact that the authoring system performs both of these functions does not preclude the instant interpretation.

Further, the applicant argues that Srinivasan fails to teach or suggest an "identifier for a particular one of the plurality of multiplexed program streams." Srinivasan teaches annotations streams may be sent as a private data stream multiplexed with the audio and video streams in a digital broadcast (pg. 8, para. 0091, see also claim 3 of Srinivasan for support of plural multiplexed program streams), wherein inherent to MPEG is at least an PID (packet identifier), which is associated with the program.

Allowable Subject Matter

2. Claim 118 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

3. The following is a statement of reasons for the indication of allowable subject matter: Claim 118 further modifies the step of overlaying, which requires determining whether the video object is visible in the video frame, and overlaying graphics in response to the determination. Prior art of record fails to show or reasonably suggest determining whether the video object is visible in the video frame in the context of the claim. Whereas, the prior art overlays graphic content based upon time information, this cannot be reasonably construed as an active step of determining whether the video object is visible as recited in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 90-117 and 119-121 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2001/0023436 to Srinivasan et al. (Srinivasan) in view of U.S. Patent 6,738,982 to Jerding.

Regarding claims 90 and 106, Srinivasan teaches an authoring system (fig. 7, label 51), for generating image tracking data for overlaying information onto objects of a video stream (pg. 4, para. 0051-0052, pg. 7, para. 0085), which reads on a mask generator generating a mask including graphics data for overlaying a graphic image on a video frame, wherein the image is associated with a video object. The authoring system of Srinivasan provides object data associated with the object in order to track the image, wherein the data includes annotations, such as icons, graphics, text to be linked to one of a plurality of program stream (pg. 2, para. 0018, pg. 7, para. 0085), which equates to an annotation source providing object data associated with the video object, the object data including an indicia indicative that the video object is linked to one of the plurality of multiplexed program streams, and an identifier for a particular one of the plurality of multiplexed program streams. Srinivasan teaches an encoder to encode the mask and object data into the television stream (pg. 2, para. 0018, pg. 8, para. 0091, 0096). Srinivasan teaches a broadcaster, which inherently has a transmitter, in that Srinivasan teaches broadcasting the signal and the plural streams to receivers (fig. 8, label 47, pg. 7, para. 0087). Srinivasan teaches a receiver (fig. 9) combining and video with the annotation stream (pg. 12, para. 0134) the displaying the streams on display module (pg. 12, para. 0137, fig. 12, label 139) (which equates to capable of retrieving and overlaying the image on the frame), Srinivasan teaches receiving user input (which reads on capable of receiving viewer actuation of the graphic image) (pg. 12, para. 0138). However, Srinivasan is silent on reviewing the

indicia in the object to determine whether the object is linked to one of the program streams, and in response to determining that the object is linked to one of the program streams, switching from the current program stream to presenting the particular one of the program streams. In analogous art, Jerding teaches selectable link, wherein the system can select a different channel (col. 7, ll. 9-13, see also: col. 5-6, ll. 18-15), which reads on reviewing the indicia in the object to determine whether the object is linked to one of the streams and in response to determining that the object is linked to one of the program streams, switching from the current program stream to presenting the particular one of the program streams.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Srinivasan by reviewing the indicia in the object to determine whether the object is linked to one of the program streams, and in response to determining that the object is linked to one of the program streams, switching from the current program stream to presenting the particular one of the program streams as taught by Jerding in order to facilitate navigation to different programs and accessing desirable information to the user.

Regarding claims 98 and 114, Srinivasan teaches an authoring system (fig. 7, label 51), for generating image tracking data for overlaying information onto objects of a video stream (pg. 4, para. 0051-0052, pg. 7, para. 0085), which constructs a mask including graphics data for overlaying a graphic image on a video frame, wherein the image is associated with a video object and object data, which is received by the

Art Unit: 2623

receiver (fig. 12, pg. 11-12, para. 0132), which inherently has a tuner in order to demodulated the signals for the broadcaster. The authoring system of Srinivasan provides object data associated with the object in order to track the image, wherein the data includes annotations, such as icons, graphics, text to be linked to one of a plurality of program stream (pg. 2, para. 0018, pg. 7, para. 0085), which equates to providing object data associated with the video object, the object data including an indicia indicative that the video object is linked to one of the plurality of multiplexed program streams, and an identifier for a particular one of the plurality of multiplexed program streams. Srinivasan teaches a decoder to decode the mask and object data from the television stream ((pg. 12, para. 0137, fig. 12, label 139).

Srinivasan teaches a broadcaster, which inherently has a transmitter, in that Srinivasan teaches broadcasting the signal and the plural streams to receivers (fig. 8, label 47, pg. 7, para. 0087). Srinivasan teaches a receiver (fig. 9) combining and video with the annotation stream (pg. 12, para. 0134) the displaying the streams on display module (pg. 12, para. 0137, fig. 12, label 139) (which equates to capable of retrieving and overlaying the image on the frame), Srinivasan teaches receiving user input (which reads on capable of receiving viewer actuation of the graphic image) (pg. 12, para. 0138). However, Srinivasan is silent on reviewing the indicia in the object to determine whether the object is linked to one of the program streams, and in response to determining that the object is linked to one of the program streams, switching from the current program stream to presenting the particular one of the program streams In analogous art, Jerding teaches selectable link, wherein the system can select a different

Art Unit: 2623

channel (col. 7, ll. 9-13, see also: col. 5-6, ll. 18-15), which reads on reviewing the indicia in the object to determine whether the object is linked to one of the streams and in response to determining that the object is linked to one of the program streams, switching from the current program stream to presenting the particular one of the program streams.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Srinivasan by reviewing the indicia in the object to determine whether the object is linked to one of the program streams, and in response to determining that the object is linked to one of the program streams, switching from the current program stream to presenting the particular one of the program streams as taught by Jerding in order to facilitate navigation to different programs and accessing desirable information to the user.

Regarding claims 91, 99, 107, and 115, Srinivasan teaches the presented program stream is a video stream (pg. 8, para. 0091).

Regarding claims 92, 100, 108, and 116, Srinivasan teaches the presented program stream is an audio stream (pg. 8, para. 0091).

Regarding claims 93, 101, 109, and 117, Srinivasan teaches the graphics image is overlaid on the video object (pg. 4, para. 0052).

Regarding claims 94, 102, and 110 , Srinivasan is structurally capable of determining whether the video object is visible in the video frame and capable of overlaying the graphics image on the video frame responsive to a determination that the video object is visible in the video frame, in that Srinivasan detects data from PTS time stamps and overlays the objects accordingly and has a processor (fig. 12, label 117).

Regarding claims 95, 97, 103, 105, 111, 113, 119, and 121. Srinivasan teaches the television broadcast signal as MPEG which is a digital signal (pg. 8, para. 0091).

Regarding claims 96, 104, 112, and 120, Srinivasan teaches the television broadcast signal is an analog signal (pg. 8, para. 0091).

Regarding claim 122, Srinivasan teaches the broadcasting environment, wherein each of the terminals receives the same information (see fig 1) and further Srinivasan teaches the graphics image is overlaid on the video object (pg. 4, para. 0052), and the combination of Jerding and Srinivasan teaches selecting the particular one of the plurality of multiplexed programs stream displayed upon user actuation in that the combination of Srinivasan and Jerding teaches linking to another program being broadcasted. Consequently, the combination of Srinivasan and Jerding teaches the particular one of the plurality of multiplexed program streams displayed upon user actuation of the overlaid graphics image is the same for each user receiving the plurality of multiplexed program streams and actuating the overlaid graphics image.

Regarding claim 123, the combination of Srinivasan and Jerding teach a link type being a video link (Jerding: col. 7, ll. 9-13, see also: col. 5-6, ll. 18-15), the identifier identifying a channel, which inherently is resolved using the program mapping table (PMT of MPEG), wherein the receiver extracts from the PMT identifier of the video and audio streams associated with the particular one of the plurality of multiplexed program streams (Jerding: col. 5, ll. 65-67, col. 6, ll. 25-32).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Application Publication 2004/0261131 to Zigmond et al. teach linking to television channel (see entire document: pg. 3, para. 0042-0043, pg. 4, para. 0056-0061).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y. Koenig whose telephone number is (571) 272-7296. The examiner can normally be reached on M-Fr (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571)272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ayk



Andrew Y Kenig
AU 2623